

Michael J. Schroeder, P.C.
3610 North Josey Lane, Suite 206
Carrollton, Texas 75007
(972) 394-3086
FAX (972) 394-1263

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§	
JOHN MICHAEL FLANNERY	§	Case No. 06-70232-HDH-13
KATIE MARGARET FLANNERY	§	Chapter 13
DEBTORS	§	

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW NEW CENTURY MORTGAGE CORPORATION (CREDITOR), and respectfully objects to summary confirmation of Debtors Plan on grounds that:

1. On or about JULY 21, 2006, JOHN MICHAEL FLANNERY and KATIE MARGARET FLANNERY, the Debtor filed their Petition in this case.
2. On or about JULY 26, 2006, JOHN MICHAEL FLANNERY and KATIE MARGARET FLANNERY, the Debtor filed their Chapter 13 Plan ("PLAN") in this case.
3. The Proof of Claim of CREDITOR, which was filed herein on or about JULY 28, 2006, sets forth a pre-petition arrearage claim of **\$7,315.86**.
4. CREDITOR objects to confirmation of the PLAN insofar as the PLAN fails to comply with the provisions of 11 U.S.C. §1322(b) and, accordingly, constitutes an impermissible modification of the rights of CREDITOR. Specifically, the PLAN fails to comply for the following reasons:
 - * The PLAN proposes to pay the arrearage owed to CREDITOR at a principal amount that is less than the amount set forth in Creditor's Proof of Claim.

5. CREDITOR has been required to retain the undersigned counsel to represent it and file and pursue this Objection and CREDITOR has incurred and is incurring legal expenses and reasonable attorney's fees of approximately \$250.00 and other costs and expenses for which the Debtors are liable pursuant to the provisions of the Note and applicable law.

WHEREFORE PREMISES CONSIDERED, Creditor respectfully prays that confirmation of Debtor(s)' proposed chapter 13 plan be denied, that the Court award CREDITOR attorneys fees of not less than \$250.00, and that the Court grant CREDITOR such other relief that may be proper.

Respectfully submitted,

By: /s/ Michael J. Schroeder
Michael J. Schroeder
State Bar No. 17817380
3610 North Josey Lane, Suite 206
Carrollton, Texas 75007
Telephone (972) 394-3086
Facsimile: (972) 394-1263
ATTORNEYS FOR MOVANT

CERTIFICATE OF CONFERENCE

Pursuant to local bankruptcy rules, I hereby certify that on the 21st day of AUGUST, 2006, I:

XX attempted to contact Debtor's attorney to discuss the Objection, but my messages of 8/21/06 have not been returned as of this date; or
___ was unable to contact the Pro Se Debtor(s) because no telephone number is available.

/s/ Michael J. Schroeder
Michael J. Schroeder

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was deposited in a U.S. mail receptacle or electronically mailed to the attention of the following persons on August 28, 2006:

Debtor(s):

JOHN MICHAEL FLANNERY
KATIE MARGARET FLANNERY
2949 STEARNS AVE
WICHITA FALLS, TEXAS 76308

Trustee:

WALTER O'CHESKEY
6308 IOLA AVENUE
LUBBOCK, TEXAS 79424

Debtor(s) Attorney:

MONTE J. WHITE
1106 BROOK AVENUE
WICHITA FALLS, TEXAS 76301

U.S. TRUSTEE

1100 COMMERCE STREET, ROOM 9C60
DALLAS, TEXAS 75202

/s/ Michael J. Schroeder
Michael J. Schroeder

NCM-1147